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IN THE UNITED STATES DISTRICT COURT  
2  
FOR THE WESTERN DISTRICT OF WASHINGTON

3 EQUAL EMPLOYMENT OPPORTUNITY  
4 COMMISSION

5 v.

6 TAYLOR SHELLFISH COMPANY, INC.,  
7 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

9  
10 NATURE OF THE ACTION

11 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
12 Rights Act of 1991 to correct unlawful employment practices on the basis of race and retaliation,  
13 and to provide appropriate relief to Jeremy Daniels (“Mr. Daniels”), who was adversely affected  
14 by such practices. Plaintiff United States Equal Employment Opportunity Commission  
15 (“Plaintiff,” “the Commission,” or “the EEOC”) alleges that Defendant Taylor Shellfish  
16 Company, Inc. (“Defendant”) subjected Mr. Daniels to a hostile work environment based on his  
17 race, Black. The EEOC further alleges that Defendant retaliated against Mr. Daniels for  
18 opposing the discriminatory hostile work environment. Finally, the EEOC alleges that the  
19 discrimination Mr. Daniels suffered resulted in his constructive discharge. Plaintiff seeks  
20 monetary relief for Mr. Daniels, including non-pecuniary compensatory and punitive damages,  
21 and injunctive relief.

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EQUAL EMPLOYMENT  
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JURISDICTION AND VENUE

1           1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
2           1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of  
3           Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title  
4           VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.  
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6           2. The employment practices alleged to be unlawful were committed within the  
7 jurisdiction of the United States District Court for the Western District of Washington.  
8

PARTIES

9           3. Plaintiff is the agency of the United States of America charged with the  
10 administration, interpretation and enforcement of Title VII, and is expressly authorized to bring  
11 this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and 3, and  
12 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.  
13

14           4. At all relevant times, Defendant has been a corporation continuously doing  
15 business in the State of Washington and continuously employing at least fifteen (15) employees.  
16

17           5. At all relevant times, Defendant has continuously been an employer engaged in an  
18 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42  
19 U.S.C. §§ 2000e-(b), (g) and (h).  
20

ADMINISTRATIVE PROCEDURES

21           6. More than thirty (30) days prior to the institution of this lawsuit, Mr. Daniels  
22 filed a charge with the EEOC alleging violations of Title VII by Defendant. On June 13, 2016,  
23 the Commission issued to Defendant a Letter of Determination finding reasonable cause to  
24 believe Title VII was violated and inviting Defendant to join with the Commission in informal  
25

1 methods of conciliation to endeavor to eliminate the unlawful employment practices and to  
2 provide appropriate relief. The Commission engaged in communications with Defendant to  
3 provide Defendant the opportunity to remedy the discriminatory practices described in the  
4 Letter of Determination. On August 29, 2016, the Commission issued to Defendant a Notice of  
5 Failure of Conciliation advising Defendant that the Commission was unable to secure from  
6 Defendant a conciliation agreement acceptable to the Commission. All conditions precedent to  
7 the institution of this lawsuit have been fulfilled.

8

9 **STATEMENT OF CLAIMS**

10 7. From approximately July 23, 2013, Defendant engaged in unlawful employment  
11 practices at its facilities in or near Bow, Washington, in violation of Sections 703(a) and 704(a)  
12 of Title VII, 42 U.S.C. § 2000e-2(a) and 2000e-3(a). Defendant subjected Mr. Daniels to a  
13 hostile work environment based on race, Black. Defendant further engaged in unlawful  
14 employment practices by retaliating against Mr. Daniels for opposing the hostile work  
15 environment. Defendant's actions caused Mr. Daniels's constructive discharge.

16 8. The practices complained of in Paragraph 7 include, but are not limited to,  
17 Defendant's Maintenance Mechanic Supervisor subjecting Mr. Daniels to frequent, offensive,  
18 and unwelcome race-based conduct including: referring to Mr. Daniels as "spook," "boy,"  
19 "nigger," and "nigga"; telling Mr. Daniels that the Maintenance Mechanic Supervisor's father  
20 used to run his "kind" out of town; and making disparaging race-based comments about the  
21 things that Mr. Daniels would eat.

22 9. Mr. Daniels attempted to rebuff the Maintenance Mechanic Supervisor's  
23 offensive and unwelcome comments, and also complained about the harassing conduct to the

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1 Farm Manager. Defendant failed to take prompt or appropriate corrective action to prevent or  
2 remedy the hostile work environment caused by the Maintenance Mechanic Supervisor's  
3 offensive and unwelcome conduct.

4 10. In retaliation for Mr. Daniels's complaints about the racially hostile work  
5 environment, Defendant, through the actions of the Maintenance Mechanic Supervisor, assigned  
6 Mr. Daniels more difficult and less desirable work, referred to him as a "nigger," "stupid," and  
7 "idiot" when talking to other employees, and eventually caused Mr. Daniels to be disciplined  
8 unjustly.

9 11. The discriminatory conduct resulted in conditions so intolerable that Mr. Daniels  
10 was forced to resign his position on or about February 24, 2014, thereby constituting a  
11 constructive discharge.

12 12. The effect of Defendant's practices complained of in paragraphs 7-11 above has  
13 been to deprive Mr. Daniels of equal employment opportunities and otherwise adversely affect  
14 his status as an employee.

15 13. The unlawful employment practices complained of in paragraphs 7-11 above were  
16 intentional.

17 14. The unlawful employment practices complained of in paragraphs 7-11 above were  
18 done with malice or with reckless indifference to the federally protected rights of Mr. Daniels.

19 21 **PRAAYER FOR RELIEF**  
22

23 Wherefore, the EEOC respectfully requests that this Court:  
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25

1           A.     Grant a permanent injunction enjoining Defendant, its officers, successors, agents,  
2 assigns, and all persons in active concert or participation with it, from engaging in any  
3 employment practices which discriminate.

4           B.     Order Defendant to institute and carry out policies, practices, and programs which  
5 provide equal employment opportunities for all employees, and which eradicate the effects of its  
6 past and present unlawful employment practices.

7           C.     Order Defendant to make Mr. Daniels whole by providing appropriate back pay  
8 with prejudgment interest, in amounts to be determined at trial.

9  
10          D.     Order Defendant to make whole Mr. Daniels by providing compensation for past  
11 and future non-pecuniary losses resulting from the unlawful practices complained of in  
12 paragraphs 7-11 above, including without limitation emotional pain, suffering, and loss of  
13 enjoyment of life, in amounts to be determined at trial.

14          E.     Order Defendant to pay Mr. Daniels punitive damages for its malicious and  
15 reckless conduct described in paragraphs 7-11 above, in amounts to be determined at trial.

16          G.     Grant such further relief as the Court deems necessary and proper in the public  
17 interest.

18          H.     Award the EEOC its costs of this action.

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JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

DATED this 28th day of September, 2016.

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